

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:24-cr-00192-01

KISHA SUTTON,

Defendant.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the *Defendant's Objections to Magistrate's Order Denying Defendant's Motions to Dismiss for Lack of Venue* (Document 204), the *Government's Response in Opposition to Defendant's Objections to Magistrate's Order Denying Defendant's Motions to Dismiss for Lack of Venue* (Document 216), and the *Defendant Kisha Sutton's Reply to Response in Opposition (ECF 216)* (Document 220).

Pursuant to the standard *Order of Reference* (Document 25) entered in this matter, the *Defendant's Motion to Dismiss Count One for Lack of Venue* (Document 184), the *Defendant's Motion to Dismiss Count Two for Lack of Venue* (Document 185), the *Defendant's Motion to Dismiss Count Three for Lack of Venue* (Document 186), the *Defendant's Motion to Dismiss Count Four for Lack of Venue* (Document 187), the *Defendant's Motion to Dismiss Count Five for Lack of Venue* (Document 188), the *Defendant's Motion to Dismiss Count Six for Lack of Venue* (Document 189), the *Defendant's Motion to Dismiss Count Seven for Lack of Venue* (Document 190), the *Defendant's Motion to Dismiss Count Eight for Lack of Venue* (Document 191), the

Defendant's Motion to Dismiss Count Nine for Lack of Venue (Document 192), and the *Defendant's Motion to Dismiss Count Ten for Lack of Venue* (Document 193), were referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge.¹ The Government responded to the Defendant's motions in an *Omnibus Response in Opposition to Defendant Kisha Sutton's Motions to Dismiss* (Document 201). Judge Aboulhosn held a hearing on the motions. The Defendant conceded at the hearing that venue had been adequately alleged as to Count One of the Superseding Indictment. Following the hearing, Judge Aboulhosn entered an *Order* (Document 203) deeming *Defendant's Motion to Dismiss Count One for Lack of Venue* (Document 184) moot and denying the remaining motions to dismiss.

Since Judge Aboulhosn entered his *Order* (Document 203), and before the Court could rule on the Defendant's objections, the United States brought a *Second Superseding Indictment* (Document 245). Due to the substantive changes in the charges set forth in the Second Superseding Indictment, the Court finds that the Defendant's pending motions to dismiss and objections are moot.

Wherefore, after thorough review and careful consideration, the Court **ORDERS** that the *Defendant's Motion to Dismiss Count One for Lack of Venue* (Document 184), the *Defendant's Motion to Dismiss Count Two for Lack of Venue* (Document 185), the *Defendant's Motion to Dismiss Count Three for Lack of Venue* (Document 186), the *Defendant's Motion to Dismiss Count Four for Lack of Venue* (Document 187), the *Defendant's Motion to Dismiss Count Five for Lack of Venue* (Document 188), the *Defendant's Motion to Dismiss Count Six for Lack of Venue* (Document 189), the *Defendant's Motion to Dismiss Count Seven for Lack of Venue* (Document

¹ In the Defendant's filings, she repeatedly refers to Judge Aboulhosn as "the Magistrate." As the title of United States Magistrate Judge suggests, Judge Aboulhosn and other magistrate judges are judges and should be referred to by that title.

190), the *Defendant's Motion to Dismiss Count Eight for Lack of Venue* (Document 191), the *Defendant's Motion to Dismiss Count Nine for Lack of Venue* (Document 192), the *Defendant's Motion to Dismiss Count Ten for Lack of Venue* (Document 193) and the *Defendant's Objections to Magistrate's Order Denying Defendant's Motions to Dismiss for Lack of Venue* (Document 204) be **TERMINATED as MOOT**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: June 16, 2025



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA